

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

CARL LEWIS,

Plaintiff,

vs.

CITY OF MONTGOMERY,

Defendant.

) Case No.: 2:06cv237-CSC

)

) **CITY OF MONTGOMERY'S MOTION**

) **FOR SUMMARY JUDGMENT**

)

)

)

)

)

)

)

)

)

)

)

COMESNOW the city of Montgomery, Defendant in the above-styled action, by and through undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and move this Honorable Court to enter summary judgment in its favor based on the facts and grounds set forth in the Brief in Support of the Motion for Summary Judgment, which is filed herewith and incorporated by reference hereinto.

Defendants submit, pursuant to the law, that there are no genuine issues as to any material facts, and that they are entitled to a judgment as a matter of law. Defendants further submit that Plaintiff has failed to present evidence in support of some elements of their case on which they bear the ultimate burden of proof.

In support of the Motion for Summary Judgment, the defendants submit the following:

1. The City of Montgomery's Answer to Amended Complaint (Doc. No. 9)
2. Defendant's Brief in Support of Defendants' Motion for Summary Judgment with Affidavits attached thereto as Exhibits A and B.

To the extent allowable by the Court, Defendant reserves the right to supplement this motion.

Respectfully submitted,

Respectfully submitted this the 24 day of May, 2007.

/s/ Wallace D. Mills  
WALLACE D. MILLS (MIL090)  
Assistant City Attorney

CITY OF MONTGOMERY  
Legal Department  
Post Office Box 1111  
Montgomery, Alabama 36101-1111  
(334) 241-2050  
(334) 241-2310 – facsimile

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of May, 2007, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

Juraldine Battle-Hodge

and I hereby certify that I have mailed by United States Postal Service the document to the following:

Juraldine Battle-Hodge, Esq  
207 Montgomery Street, Ste. 215  
Montgomery, AL 36104

/s/Wallace D. Mills  
Wallace D. Mills  
Assistant City Attorney  
103 North Perry Street  
Montgomery, AL 36104